

11-04-02

RCE/2800

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: PATENT APPLICATION of:

Inventor(s): David W. Carlson

Appl. No.: 09/ 678,414

Group/Art Unit 2823

Examiner: B. Kebede

Atty. Dkt. 100-13601

No.

P04797-C1

#13/RCE
11/8/02

Series Code ↑

Serial No. ↑

Filed: October 2, 2000

Title: Method For Planarizing a Thin Film

RCE

Client Ref

DO NOT USE FOR PROVISIONAL, DIVISIONAL, CIP OR DESIGN APPLICATIONS, OR REEXAMINATION OF PATENTS

Box RCE

Commissioner for Patent
Washington, DC 20231

Date: November 1, 2002

Sir:

REQUEST FOR CONTINUED EXAMINATION (RCE) UNDER RULE 114

Please continue the examination of this application.

PREREQUISITES

This application was filed on/after June 8, 1995, is not abandoned, and no court action has been filed, or if filed, it has been terminated.

An issue fee has not been paid (unless a petition under Rule 313(c)(2) is also being filed -- see item 4 below).

Prosecution has been closed as defined in Rule 114(b).

Reply to any outstanding action and Rule 17(e) filing fee must be enclosed

This application is entitled under Rule 114 to withdrawal of any outstanding finality or of any allowance plus a new action by the Examiner. Consideration on the merits of each submission (e.g., IDS, Amendment, new arguments, new evidence, but not appeal/reply briefs themselves) filed herewith is respectfully requested.

Please consider the following before the next Official Action:

1. Please ☒ enter ☐ do not enter the Amendment filed
2. ☒ The enclosed Amendment.
3. ☐ Consider the arguments in the appeal brief filed ___ and reply brief filed
4. ☐ The issue fee has been paid, but this RCE is based on Rule 313(c)(2). See enclosed petition.
5. ☐ The enclosed Information Disclosure Statement.
6. ☒ The Enclosed Non-Publish Request.
7. ☐ Please suspend action under Rule 103(c) for a period of ___ months (3 mos. Max) for which the required \$130 fee is enclosed
8. ☒ A check in the amount of \$740.00 is enclosed of which \$740 is the required RCE filing fee. (Postcard, fee transmittal (with copy) are also attached.)

(Our Deposit Account No. 502305)

(Atty. Dkt No.) 100-13601 (P04797-C1)

Express Mail No. EV140162004US

CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official Document under Rule 20, or credit any overpayment, to our Accounting/Order No. shown above, for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal sheet is filed.

Correspondence Address Below Law Offices of Mark C. Pickering

P.O. Box 300
Petaluma, CA 94953-0300
(707) 762-5500
Customer No. 33402

By Atty:

Sig:

Date:

Mark C. Pickering
Mark C. Pickering
November 1, 2002

Reg. No.

36,239

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FEE TRANSMITTAL

For FY 2002

Patent Fees are subject to annual revision.

Express Mail No. EV140162004US

TOTAL AMOUNT OF PAYMENT

\$740

Complete if Known

Application Number RCE of 09/678,414
 Filing Date October 2, 2000
 First Named Inventor David W. Carlson
 Examiner Name B. Kebede
 Group Art Unit 2823
 Attorney Document No. 100-13601 (P04797-C1)

METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

502305

LAW OFFICES OF MARK C. PICKERING

- ☒ Charge any additional fees required under 37 CFR §§1.16 and 1.17.
☐ Applicant claims small entity status. See 37 CFR 1.27.

2. ☒ Payment Enclosed:

- ☒ Check ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

LARGE ENTITY		SMALL ENTITY		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	740	201	370	Utility	0
106	330	206	165	Design	
107	510	207	255	Plant	
108	740	208	370	Reissue	
114	150	214	80	Provisional	
SUBTOTAL (1)					0

2. EXTRA CLAIM FEES

		Extra Claims	Fee from below	Fee Paid
Total Claims	17 - 20 **	= 0	x 18	= \$ 0
Independent	2 - 3	= 0	x 84	= \$ 0
Multiple Dep.			*	= \$ 0

** or number previously paid, if greater; for Reissues, see below:

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
103	18	203	9	Claim in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue ind. claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) \$0

FEE CALCULATION (continued)

3. Additional Fees

Large Entity		Small Entity		
127	50	227	25	Surcharge - late provisional filing fee
139	130	139	130	Non-English specification
147	2520	139	2520	Filing a request for re-examination
112	920*	112	920*	Req. publ. of SIR prior to Ex. Action
113	1840*	113	1840*	Requesting publication of SIR after Examiner action
115	110	215	55	Extension for reply within 1 st mo.
116	400	216	200	Extension for reply within 2 nd mo.
117	920	217	460	Extension for reply within 3 rd mo.
118	1440	218	720	Extension for reply within 4 th mo.
128	1960	228	980	Extension for reply with 5 th mo.
119	320	219	160	Notice of Appeal
120	320	220	160	Filing a brief in support of an appeal
121	280	221	140	Request for oral hearing
138	1510	138	1510	Pet to institute a public use proceeding
140	110	240	55	Petition to revive - unavoidable
141	1280	241	640	Petition to revive - unintentional
142	1280	242	640	Utility issue fee (or reissue)
143	460	243	230	Design issue fee
144	620	244	310	Plant issue fee
122	130	122	130	Petitions to the Commissioner
123	50	123	50	Petition related to provisional apps.
126	180	126	180	Submission of IDS Statement
581	40	581	40	Recording each patent assignment per property (x no. of properties)
146	740	246	370	Filing a submission after final rej.
149	740	249	370	For each add'l. invention to be examined (37 C.F.R. § 1.129(b))
179	740	279	370	Request for Continued Exam. (RCE)
169	900	169	900	Req. for expedited exam. of a design app.

*Reduced by Basic Filing Fee Paid SUBTOTAL (3) \$740

SUBMITTED BY

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 Facsimile: (707) 762-5504
 Customer No. 33402

Date:

11-1-02

By:

Mark C. Pickering, Reg. No. 36,239



PTO/SB/35 (11-00)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i) (Express Mail No. EV140162004US)	First Named Inventor	David W. Carlson
	Title	Method For Planarizing a Thin Film
	Atty Docket Number	100-13601(P04797-C1)

I hereby certify that the invention disclosed in the attached application **has not and will not** be the subject of an application filed in another country, or under a multilateral agreement that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

11-1-02
Date

Mark C. Pickering
Signature

Mark C. Pickering
Reg. No. 36,239

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:** Assistant Commissioner for Patents, Washington, DC 20231.

Not Necessary
Sicks